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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/021,292 | 10/29/2001 | Susan M. Milberger | 020375-000240US | 9347 |

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------|------------------|------------------|
| <i>Office Action Summary</i> | Application | Applicant(s) | |
| | 10/02/292 | <i>Gilberger</i> | |
| | Examiner | Art Unit | Confirmation No. |
| | <i>Alters, g</i> | | 3624 |

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on 6/5/03

This action is FINAL. This action is non-final.

Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1 - 27 is/are pending in this application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1 - 27 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

The proposed drawing correction, filed on _____ is approved or disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.

The drawing(s) filed on _____ is/are accepted or objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).

All Some* None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. _____.

Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). The translation of the foreign language provisional application has been received.

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s) _____ Interview Summary, PTO-413

Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 USC 103(a) as unpatentable over Watkins(US Pat. No: 6,347,305) in view of Hass(US Pat. No: 6,438,586).

4. As per claims 1-9, 11-19 Watkins teaches a method(col 2 line 41-col 4 line 23) for processing a recurring transfer request from a stored value fund(Abstract) with an online system(Fig 1)(Fig 3) comprising determining a handler associated with the payor(Fig 3/1,4) and transferring money from the handler to the stored value fund(Fig 3/2,3) and informing a payor that the payee accepts payment from the online system(Fig 4) as well as receiving a subscription information including a fixed payment amount and a limit on the number of payments in the time period(Fig 4/410)(Fig 3/1,2) and receiving pay-out instructions that includes at least two of a payor identifier(Fig 4/420/430) and transferring the transfer amount from the stored value fund to the payee automatically(Fig 4A/490/500) as well as the handler being a stored value fund(Fig

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3/312/310) as well as waiting a period of time between sending notification to the payer after receiving the payout instruction and the transferring step and cancelling the transferring step if the payor declines within a period of time(Fig 4A/510/520/500) and which includes currency(col 2 lines 41-43) and where the payor, the handler and the payee are remotely located from each other(col 2 lines 43-65). Hass teaches a file transfer utility employing an intermediate storage system(Abstract)(Fig 3)(Fig 8)(col 4 line 14-col 6 line 33) wherein the second-listed transferring step comprises transferring the transferred amount to a second stored value fund associated with the payee(col 6 line 35-col 7 line 9) and which requires no human interaction(Fig 9)(Fig 10A)(Fig 10B)(Fig 11A)(Fig 11B) which may be a stored value fund(Fig 3/22/18). It would have been obvious to one skilled in the art at the time of the invention to combine Watkins in view of Hass to teach the above. The motivation to combine is to teach a method of communicating between first and second processes running on a plurality of host that are connected to a data storage system as enunciated by Hass(col 1 lines 31-39).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 10, 20 are rejected under 35 USC 101 as unpatentable as they lack utility and fail to describe a concrete, useful and tangible output.

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Conclusion

7. THIS ACTION IS MADE NON-FINAL.

8. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA



October 8, 2002